

complaint

In 2005 Ms C had an accident at work. The following year she had to stop working because of her injuries and her employer made her redundant in 2009. Ms C has complained to TSB Bank plc about the way she's been treated since the accident.

background

When Ms C first complained to us there was some confusion about which accounts she held with TSB. That was because:

- All her accounts had been with Lloyds TSB but that bank split up in September 2013. In November 2012 Lloyds TSB wrote to her and said her current account, a credit card account and two savings accounts would go to TSB when the bank split up. But the current account actually went to Lloyds along with a second credit card account that wasn't mentioned at all in the November 2012 letter.
- She didn't realise until fairly recently that there were two credit card accounts in her name. She definitely opened the credit card that's now owned by TSB but she says she isn't responsible for all the spending on it. She thinks a family member sometimes used her card without her permission.

I sent Ms C and TSB my provisional decision in February setting out why I couldn't tell the bank to write off any of Ms C's credit card debt, but why I thought they should pay her a total of £150 compensation. I said, in summary, that:

- I didn't have Ms C's current account statements from 2005 onwards so it had been very difficult to see how the accident and her eventual redundancy affected her income and overall financial situation. But I did have her TSB credit card statements going back to 2006 and customer contact notes from the bank's collections team going back to 2001. And what I could see was that the bank had known since 2012 that Ms C wasn't working and was having money troubles. The credit card account had been frozen since March 2012 and I thought the bank had acted positively and sympathetically since then.
- Ms C said the bank hadn't always sent her the information she'd asked for. But the bank's records didn't show she'd ever asked specifically for copies of her TSB credit card statements to be sent to her.
- I could see why Ms C was distressed when staff at the bank's overseas call centres mispronounced "madam." I didn't think the bank intended on upsetting or offending her. But I thought the staff could have used her name – as Ms C suggested – rather than addressing her in a way that caused her distress. I also thought, at times, they could have done more to help Ms C understand what accounts she held with them.
- I hadn't seen anything on the bank's file that suggests they agreed to put an extra security check in place linked to Ms C's account and/or that they knowingly disclosed information to anyone they shouldn't have.
- I didn't think the bank ignored Ms C's request to cancel her direct debit instruction, reactivated it without her permission or unfairly set the direct debits to only repay the interest accruing on the credit card.

- It wasn't clear what had happened to the PPI claim paperwork Ms C said she'd sent to the bank. But the responsibility to investigate PPI claims like Ms C's rests with Lloyds even though the PPI policy is linked to a credit card now owned by TSB.
- The reason the current account didn't go to TSB as described in the November 2012 letter was because the account had been defaulted after that letter was sent, but before Lloyds TSB split up. That didn't seem unreasonable and I thought it was possible the bank might have written to Ms C again, at some point after November 2012, to explain that the current account would actually go to Lloyds. But a member of her family might have intercepted that letter, as Ms C suggests has happened with other correspondence.
- Ms C was concerned that various third parties had contacted her about her debts. But the letters she sent to us showing this didn't relate to the TSB credit card debt. And, actually, I'd seen little to suggest TSB had been in touch at all in relation to that debt since 2012.
- There are two credit cards on Ms C's credit file because there are currently two accounts held in her name. And it only became clear very recently that Ms C may not be entirely responsible for the debt on the TSB credit card account. I said Ms C will need to raise a new complaint with TSB if she wants them to look into the fraud which she tells us has taken place on that account.

I considered, at the same time, a complaint against Lloyds Bank PLC which crosses over with this complaint in part because most of the events in question happened when all Ms C's accounts were held by Lloyds TSB. I've issued separate provisional and final decisions about Lloyds.

Ms C's reply to my provisional decisions focussed primarily on the concerns she had relating to her complaint against Lloyds.

TSB wasn't able to tell my, by the deadline I gave, whether the £50 cheque had been cashed. But they've agreed to find this out and pay £150 compensation in total to Ms C if she accepted my final decision.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Ms C hasn't said anything new or provided any new evidence in reply to my provisional decision. So I don't think I need to depart from the conclusions set out in that decision and summarised above.

TSB Bank still needs to find out whether the £50 compensation cheque they sent to Ms C in November 2013 has been cashed. If it has then the bank need only pay her another £100. But if it hasn't they must pay £150.

my final decision

My final decision is that TSB Bank plc should pay £150 in total to Ms C.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms C to accept or reject my decision before 3 May 2016.

Ruth Hersey
ombudsman